

HOUSE BILL 1447

P1, E4

6lr0582
CF SB 32

By: **Delegates Simonaire, Buckel, Folden, Glass, Metzgar, and Rose**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Veterans Affairs – Maryland Prisoner of War Medal**

3 FOR the purpose of creating the Maryland Prisoner of War Medal; authorizing, except
4 under certain circumstances, the Governor to award the Medal to any prisoners of
5 war who meet certain residency requirements; providing that a prisoner of war may
6 not be considered for the Medal under certain circumstances and may not receive
7 more than one Medal; authorizing the presentation of the Medal to the recipient's
8 surviving spouse or next of kin under certain circumstances; requiring the Secretary
9 of Veterans Affairs, in consultation with the Adjutant General, to determine whether
10 to grant prisoner of war status to certain individuals for a certain purpose, develop
11 a certain design for the Medal and a certain ribbon bar, solicit and accept
12 nominations for the Medal, submit a list of nominees to the Governor for
13 consideration for the Medal, verify certain information, and consider certain
14 comparable cases; authorizing the Secretary to require that a certain individual
15 produce certain documents; establishing the Maryland Prisoner of War Medal Fund
16 as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the
17 Secretary, in consultation with the Adjutant General, to administer the Fund;
18 requiring the State Treasurer to hold the Fund and the Comptroller to account for
19 the Fund; specifying the contents of the Fund; specifying the purposes for which the
20 Fund may be used; providing for the investment of money in the Fund; requiring
21 that any interest earnings of the Fund be paid into the Fund; exempting the Fund
22 from a certain provision of law that requires interest on State money in special funds
23 to accrue to the General Fund of the State; defining certain terms; and generally
24 relating to the Maryland Prisoner of War Medal.

25 BY adding to

26 Article – State Government

27 Section 9–905.1

28 Annotated Code of Maryland

29 (2014 Replacement Volume and 2015 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – State Finance and Procurement
3 Section 6–226(a)(2)(i)
4 Annotated Code of Maryland
5 (2015 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(ii)84. and 85.
9 Annotated Code of Maryland
10 (2015 Replacement Volume)

11 BY adding to
12 Article – State Finance and Procurement
13 Section 6–226(a)(2)(ii)86.
14 Annotated Code of Maryland
15 (2015 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – State Government**

19 **9–905.1.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “FUND” MEANS THE MARYLAND PRISONER OF WAR MEDAL**
23 **FUND.**

24 **(3) “MEDAL” MEANS THE MARYLAND PRISONER OF WAR MEDAL.**

25 **(4) “PRISONER OF WAR” MEANS AN INDIVIDUAL WHO IS:**

26 **(I) LISTED AS A PRISONER OF WAR BY THE UNITED STATES**
27 **DEPARTMENT OF DEFENSE; OR**

28 **(II) GRANTED PRISONER OF WAR STATUS BY THE SECRETARY,**
29 **IN CONSULTATION WITH THE ADJUTANT GENERAL, FOR PURPOSES OF**
30 **CONSIDERATION FOR THE MEDAL.**

31 **(B) THERE IS A MARYLAND PRISONER OF WAR MEDAL.**

1 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
2 **THE GOVERNOR MAY AWARD THE MEDAL TO ANY PRISONER OF WAR WHO:**

3 **(I) IS A RESIDENT OF THE STATE;**

4 **(II) WAS A RESIDENT OF THE STATE ON THE DATE OF**
5 **INDUCTION INTO THE ORGANIZED MILITIA OF THE STATE OR THE ARMED FORCES**
6 **OF THE UNITED STATES; OR**

7 **(III) DIED WHILE A RESIDENT OF THE STATE.**

8 **(2) (I) A PRISONER OF WAR MAY NOT BE CONSIDERED FOR THE**
9 **MEDAL IF, BECAUSE OF ACTIONS TAKEN WHILE IN CAPTIVITY, THE PRISONER OF**
10 **WAR:**

11 **1. WAS CONVICTED BY COURT-MARTIAL FOR**
12 **MISCONDUCT OR A CRIMINAL OFFENSE;**

13 **2. RECEIVED A LESS-THAN-HONORABLE DISCHARGE**
14 **FROM MILITARY SERVICE; OR**

15 **3. VIOLATED THE CODE OF CONDUCT FOR MEMBERS OF**
16 **THE ARMED FORCES OF THE UNITED STATES AND THE VIOLATION WAS RECORDED**
17 **BY MILITARY OFFICIALS.**

18 **(II) A PRISONER OF WAR MAY NOT BE AWARDED MORE THAN**
19 **ONE MEDAL.**

20 **(3) IF A RECIPIENT OF THE MEDAL IS DECEASED OR MISSING IN**
21 **ACTION, THE MEDAL MAY BE PRESENTED TO THE RECIPIENT'S SURVIVING SPOUSE**
22 **OR NEXT OF KIN.**

23 **(D) (1) THE SECRETARY, IN CONSULTATION WITH THE ADJUTANT**
24 **GENERAL, SHALL:**

25 **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**
26 **DETERMINE WHETHER TO GRANT AN INDIVIDUAL PRISONER OF WAR STATUS FOR**
27 **PURPOSES OF CONSIDERATION FOR THE MEDAL;**

28 **(II) DEVELOP AN APPROPRIATE DESIGN FOR THE MEDAL AND A**
29 **RIBBON BAR TO BE WORN IN LIEU OF THE MEDAL;**

1 (III) DEVELOP AND IMPLEMENT A PROCESS FOR SOLICITING AND
2 ACCEPTING NOMINATIONS FOR THE MEDAL; AND

3 (IV) SUBMIT A LIST OF NOMINEES FOR THE MEDAL TO THE
4 GOVERNOR FOR THE GOVERNOR'S CONSIDERATION.

5 (2) WHEN DETERMINING WHETHER TO GRANT AN INDIVIDUAL
6 PRISONER OF WAR STATUS UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION, THE
7 SECRETARY, IN CONSULTATION WITH THE ADJUTANT GENERAL:

8 (I) SHALL VERIFY THAT THE INDIVIDUAL WAS TAKEN
9 PRISONER AND HELD CAPTIVE:

10 1. WHILE SERVING IN THE ORGANIZED MILITIA OF THE
11 STATE OR THE ARMED FORCES OF THE UNITED STATES; AND

12 2. A. WHILE ENGAGED IN AN ACTION AGAINST AN
13 ENEMY OF THE UNITED STATES;

14 B. WHILE ENGAGED IN MILITARY OPERATIONS
15 INVOLVING CONFLICT WITH AN OPPOSING FOREIGN FORCE;

16 C. WHILE SERVING WITH FRIENDLY FORCES ENGAGED IN
17 AN ARMED CONFLICT AGAINST AN OPPOSING FORCE IN WHICH THE UNITED STATES
18 WAS NOT A BELLIGERENT PARTY; OR

19 D. BY FOREIGN ARMED FORCES THAT ARE HOSTILE TO
20 THE UNITED STATES;

21 (II) SHALL CONSIDER COMPARABLE CASES WHERE
22 INDIVIDUALS HAVE GENERALLY BEEN HELD CAPTIVE BY ENEMY FORCES DURING
23 PERIODS OF ARMED CONFLICT; AND

24 (III) MAY REQUIRE THE INDIVIDUAL TO PRODUCE A COPY OF THE
25 INDIVIDUAL'S DD FORM 214 OR ITS EQUIVALENT, AND ANY OTHER RELEVANT
26 DOCUMENTS.

27 (E) (1) THERE IS A MARYLAND PRISONER OF WAR MEDAL FUND.

28 (2) THE PURPOSE OF THE FUND IS TO ENABLE THE DEPARTMENT TO
29 PAY FOR ALL EXPENDITURES RELATED TO THE MEDAL.

1 **(3) THE SECRETARY, IN CONSULTATION WITH THE ADJUTANT**
2 **GENERAL, SHALL ADMINISTER THE FUND.**

3 **(4) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
4 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

5 **(II) THE STATE TREASURER SHALL HOLD THE FUND**
6 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

7 **(5) THE FUND CONSISTS OF:**

8 **(I) MONEY DONATED TO THE FUND;**

9 **(II) INVESTMENT EARNINGS OF THE FUND; AND**

10 **(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
11 **FOR THE BENEFIT OF THE FUND.**

12 **(6) THE FUND MAY BE USED ONLY FOR THE DESIGN, PRODUCTION,**
13 **PURCHASE, ADMINISTRATION, AND PRESENTATION OF THE MEDAL AND THE**
14 **RIBBON BAR.**

15 **(7) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
16 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

17 **(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE PAID**
18 **INTO THE FUND.**

19 **Article – State Finance and Procurement**

20 6-226.

21 (a) (2) (i) Notwithstanding any other provision of law, and unless
22 inconsistent with a federal law, grant agreement, or other federal requirement or with the
23 terms of a gift or settlement agreement, net interest on all State money allocated by the
24 State Treasurer under this section to special funds or accounts, and otherwise entitled to
25 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
26 Fund of the State.

27 (ii) The provisions of subparagraph (i) of this paragraph do not apply
28 to the following funds:

29 84. the Economic Development Marketing Fund; [and]

